

## MINUTES

### City Council

Monday, February 4, 2008 – 7:00 p.m.

**Members Present:** Mayor Andy Quinney presided. **Council Members:** Misty Bethune, Gwyn Hall, Tennyson Holder, Bowen Jones, Bessie Kicklighter and Durward Motes.

**Members Absent:** Judy Shuman, President of Council.

**Staff Present:** Brian Johnson, City Administrator; Rhonda Ferrell, Clerk of Council; James P. Gerard, City Attorney; Pam Franklin, HR Director; Clara Rouse, Finance Director; Nathan Mai-Lombardo, Planning Director; Randall Griffin, Public Works Director; David Lyons, Chief of Police; Charles Draeger, Water/Sewer Director; Cliff Ducey, Recreation Director and Jimmy Crosby, Fire Chief.

**Visitors:** See attached sign-in sheet

**Opening:** Mayor Quinney welcomed everyone to the meeting. Councilmember Bethune offered the opening prayer and Mayor Quinney led City Council in the pledge to the flag. Mayor Quinney said City Council held a Pre-Agenda Session prior to tonight's meeting. He said no decisions were made during the pre-agenda session.

**Employee of the Quarter:** Mayor Quinney and Nathan Mai-Lombardo, Planning Director presented to Ms. Tonya Roper, Administrative Assistant in the Planning/Zoning Department a certificate recognizing her as the employee of the quarter.

Mayor Quinney and Mr. Mai-Lombardo thanked Ms. Roper for her hard work and dedication.

Ms. Roper thanked everyone.

### **Public Hearings:**

**Alcoholic Beverage License Application:** Mayor Quinney opened the public hearing to receive public comment on an alcoholic beverage license application for Lisa Roberson,

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new manager to sell beer and/or malt beverages at Chu's Convenience Mart, 2606 Highway 80 West, Garden City, Georgia. He said the Police Chief recommends approval.

There being no comments or questions, Mayor Quinney closed the public hearing.

**PC0803, Zoning Map Amendment:** Mayor Quinney opened the public hearing to receive public comment on a request by Carl W. Redmond, property owner to rezone 181 Smith Avenue from R-1 to C-2-A.

Planning Director said the Planning Commission recommends denial of the zoning map amendment.

Mayor Quinney asked if there was anyone who wished to speak in favor of the rezoning request.

Mr. Mickey Kicklighter submitted a petition to council for the record of those who are in favor of the rezoning.

Mr. Kicklighter said we originally applied for a C-2A zoning classification, because we thought about putting a restaurant there, but Mr. Redmond is not wed to that zoning. He said R-I-N could be used for a facility Suburban Lodge which rents weekly units. He said C-2 would also fit. He said the zoning change could be done, but you could make it where it would have to come back before the Board of Appeals for approval of what goes there. He said the property is no longer feasible as is and Mr. Redmond is not opposed to sitting down with you all to see what would meet the needs of everyone involved.

Mr. Richard Fields said I am against the rezoning, because my property is on the corner of Smith and Highway 21 and my concern is the traffic and that Smith Avenue will have to be widened. He said if the road has to be widened then Garden City will have to take my property in order to widen the end of Smith. He said I would be willing to vote for the rezoning if Mr. Redmond could obtain access off of Highway 21.

Mr. Kicklighter said I can't imagine the road having to be widened.

Planning Director said the biggest reason the Planning Commission denied the request is the encroachment on a residential area and access is another.

Councilmember Hall asked if there was opposition at the Planning Commission meeting.

Planning Commission said there were two or three who opposed.



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Mr. Redmond said there was no opposition to the request at the Planning Commission meeting.

Councilmember Hall said I have a problem rezoning the property not knowing what will be going there.

Councilmember Kicklighter said I have a problem rezoning the property, because of the access and I don't see where it needs to be commercial. She said houses could have gone there.

Councilmember Bethune said Smith Avenue is already used as a thoroughfare from Highway 21 to Main Street. She said commercial development would create more traffic on Smith Avenue.

Chief Lyons agreed and said commercial development would cause an increase in traffic to the area.

Mayor Quinney said it would be great if you could get access from Highway 21 instead of having to use Smith Avenue.

Councilmember Jones asked if the little lot behind the corner lot was commercial.

Mr. Kicklighter said we think it is commercial.

Planning Director said it appears to me it is commercial.

There being no further questions or comments, Mayor Quinney closed the public hearing.

**PC0806, Zoning Text Amendment:** Mayor Quinney opened the public hearing to receive public comment on an ordinance to amend the zoning ordinance of Garden City, Georgia as amended; to establish requirements for the establishment of home occupations; to require applications for the establishment of same; to require the approval of home occupations by the board of zoning appeals; to repeal all ordinances in conflict herewith; to provide an effective date; and for other purposes.

Planning Director said this ordinance clarifies the definition of what constitutes a home business. He said two points were taken out. He said one was you could only sell goods that you made and the other one was that you could only work immediate family members. He said now if you have an uncle he could still work with you even though he does not reside in the same house.

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City Attorney said we needed to clarify that you could only use tools that you would customarily use in your home. He said this was put in there to help alleviate people from using tools such as saws, etc. that are loud and would cause a nuisance.

Councilmember Hall asked about day cares and hair salons.

Mayor Quinney said we are only polishing up the ordinance.

There being no further questions or comments, Mayor Quinney closed the public hearing.

**City Council Minutes:** Upon motion by Councilmember Holder, seconded by Councilmember Bethune, City Council voted unanimously to approve the minutes from the January 22, 2008 meeting.

**Planning & Zoning Committee Report:**

**PC0774, Zoning Map Amendment:** Councilmember Hall said we have for the first reading an ordinance to rezone property owned by Randall Mullally at 3804 Old Louisville Road from its present zoning classification of "R-2" to a "C-1" zoning classification.

Councilmember Hall made a motion, seconded by Councilmember Bethune to approve on the first reading an ordinance to rezone property owned by Randall Mullally at 3804 Old Louisville Road from its present zoning classification of "R-2" to a "C-1" zoning classification. Councilmember Bethune, Councilmember Hall, and Councilmember Holder voted in favor with Councilmember Jones, Councilmember Kicklighter and Councilmember Motes opposed. Mayor Quinney broke the tie by voting in favor of the rezoning.

**PC0776, Zoning Map Amendment:** Councilmember Hall said we have for the first reading an ordinance to rezone property owned by Wilbur New on the N.E. corner of Old Louisville Road and Heidt Avenue from its present zoning classification of "R-2" to a "C-1" zoning classification.

Councilmember Hall made a motion, seconded by Councilmember Holder to approve on the first ordinance an ordinance to rezone property owned by Wilbur New on the N.E. corner of Old Louisville Road and Heidt Avenue from its present zoning classification of "R-2" to a "C-1" zoning classification. Councilmember Bethune, Councilmember Hall, and Councilmember Holder voted in favor with Councilmember Jones, Councilmember Kicklighter and Councilmember Motes opposed. Mayor Quinney broke the tie by voting in favor of the rezoning.



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**Personnel, Finance & Administration Committee Report:** Mayor Quinney asked Councilmember Hall to give the committee's report in Councilmember Shuman absence.

Mayor Quinney said Councilmember Shuman is not with us tonight due to a death in her family. He said our prayers are with her and her family.

Councilmember Hall said I no new items to report tonight.

**Parks & Recreation Committee Report:** Councilmember Bethune said I am the new Chairperson of the Parks & Recreation Committee. She said we are in our fourth week of basketball. She said the new scoreboards have been installed. She said there are a lot of activities going on at the Senior Center and a senior trip is planned to Orlando. She said the Easter Extravaganza will be held on March 8<sup>th</sup> from 10:00 a.m. – 1:00 p.m. at The Park at Sharon Park.

**Fire Committee Report:** Councilmember Motes said I am the new Chairperson of the Fire Committee. He said the fire department responded to 29 fire calls with an average response time of 6.9 minutes. He said training is taking place and the ISO is delayed until February 2008.

**Police Committee Report:** Councilmember Kicklighter said I am the new Chairperson of the Police Committee.

**Alcoholic Beverage License Application:** Councilmember Kicklighter said we have for consideration an alcoholic beverage license application for Lisa Roberson, new manager to sell beer and/or malt beverages at Chu's Convenience Mart, 2606 Highway 80 West, Garden City, Georgia. She said the Police Chief recommends approval.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Jones, City Council voted unanimously to approve the alcoholic beverage license application for Lisa Roberson.

Councilmember Kicklighter gave a routine police department report.

**Public Works Committee Report:** Councilmember Holder said the lines on Chatham Parkway and Old Louisville Road have been painted. He said the Public Works Department picked up 84 tons of leaves and limbs on this last pick up for a total of \$2,900 in dumping fees.

Councilmember Kicklighter said someone had put out a chair and some other items on Smith Avenue.

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Councilmember Holder said we do not pick up these items. He said nothing but leaves and limbs should be put out on the side the road for the crews to pick up. He said you can be fined for placing other items out.

Planning Director said we have a problem with people continuously putting items out, because the crews keep picking it up. He said something needs to be done, because we don't need to keep picking up these items. He said it makes the ordinance hard to enforce if the crews keep picking the stuff up.

**Water/Sewer Committee Report:** Councilmember Jones said the major sewer line break on Rommel Avenue has been repaired. He said the new water and sewer rates are in effect. He said a public hearing is scheduled for February 21<sup>st</sup> regarding the implementation new water and sewer rates.

**City Administrator Report:**

**Reimbursement Resolution:** Clerk of Council read a resolution to obtain tax-exempt financing to pay all or a portion of the costs of the project for acquisition, construction and equipping of a new city hall and administrative facilities for the City. The City reasonably expects to reimburse planned expenditures for the project with proceeds of a tax-exempt financing. The city hereby expresses its declaration of official intent pursuant to the Treasury Regulations, Section 1.150-2(d), to reimburse expenditures made on the project from the proceeds of a tax-exempt borrowing. The maximum principal amount of such financing is presently expected to be \$20,000,000. This resolution shall become effective on the date of its adoption.

Upon motion by Councilmember Kicklighter, seconded by Councilmember Holder, City Council voted unanimously to approve the resolution.

Mayor Quinney said we are not planning on using \$20,000,000 this is merely a housekeeping item.

**Ordinance to set Franchise Fee for State Cable and Video Franchises:** Clerk of Council read for the first reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, to add an Article XIII to Chapter 22 of the Code relating to businesses for application to cable and video service providers, which article shall incorporate the terms and provisions of the Garden City cable communications franchise ordinance passed on November 20, 2006, establish a franchise fee applicable to holders of cable or video franchises issued by the State of Georgia, and designated an agent to notify the Secretary of State and each applicant for or holder of a state franchise of the amount of the franchise fee; to provide an adoption date; to provide an effective date; and for other purposes.



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Upon motion by Councilmember Kicklighter, seconded by Councilmember Jones, City Council voted unanimously to approve the ordinance to set franchise fee for state cable and video franchises.

Councilmember Holder made a motion, seconded by Councilmember Kicklighter, to suspend the rules of council to hold the second reading of the ordinance. City Council voted unanimously to suspend the rules of council and hold the second reading.

Clerk of Council read for the second reading an ordinance to amend the Code of Ordinances of Garden City, Georgia, to add an Article XIII to Chapter 22 of the Code relating to businesses for application to cable and video service providers, which article shall incorporate the terms and provisions of the Garden City cable communications franchise ordinance passed on November 20, 2006, establish a franchise fee applicable to holders of cable or video franchises issued by the State of Georgia, and designated an agent to notify the Secretary of State and each applicant for or holder of a state franchise of the amount of the franchise fee; to provide an adoption date; to provide an effective date; and for other purposes.

Upon motion by Councilmember Jones, seconded by Councilmember Bethune, City Council voted unanimously to adopt the ordinance to set franchise fee for state cable and video franchises on the second reading.

**Building Fees Schedule:** City Administrator said we have for your consideration the building fees schedule for 2008. He this schedule includes some new fees such as the landscape fees.

Councilmember Bethune said this ordinance consolidates the building fee process for the developer.

City Administrator said this covers everything from start to finish so everything can be handled at one time.

Upon motion by Councilmember Holder, seconded by Councilmember Kicklighter, City Council voted unanimously to approve the building fees schedule for 2008.

**City Attorney Report:** City Attorney said I have nothing to report tonight.

**Mayor Report:** Mayor Quinney thanked everyone for attending the meeting.

**Adjournment:** Upon motion by Councilmember Holder, seconded Councilmember Jones, City Council voted unanimously to adjourn at 7:45 p.m.

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Andy Quinney, Mayor

(ABSENT)

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Judy Shuman, President of Council

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Gwyn Hall, Councilmember

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Bessie Kicklighter, Councilmember

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Tennyson Holder, Mayor Pro-tem

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Misty Bethune, Councilmember

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Bowen Jones, Councilmember

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Durward Motes, Councilmember

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Rhonda Ferrell, Clerk of Council